



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

December 24, 2002

IN REPLY PLEASE
REFER TO OUR FILE
- B-00023901

Re: Remand of Borough of Duryea v. Reading Blue Mountain & Northern Railroad
Company, Pennsylvania Department of Transportation and Luzerne County
C-00992585

DOCKETED

JAN 14 2003

To All Parties:

By an Order entered January 11, 2002, in the above-captioned proceeding, the Commission directed Reading Blue Mountain & Northern Railroad Company (RBMN) to bear 100 percent of the costs of rebuilding the entire Coxtan Road Crossing. RBMN appealed the Commission's January 11, 2002 Order to the Commonwealth Court. In an unreported opinion, the Commonwealth Court vacated and remanded the Commission's January 11, 2002 Order. *See Reading Blue Mountain & Northern Railroad Company*, No. 357 C.D. 2002 (Pa. Cmwlth. Ct. Nov. 4, 2002). A copy of the Slip Opinion is attached hereto.

In remanding our January 11, 2002 Order, the Commonwealth Court indicated that the existing record was sufficient enough to permit the Commission to make a just and reasonable cost allocation amongst the parties. Accordingly, the Commonwealth Court directed the Commission to review the present record and make a new adjudication based on the presently existing record.

For this purpose, we are reassigning this proceeding to the Office of Special Assistants (OSA) to review the present record and make a new cost allocation determination pursuant to the Court's direction. We are inviting all interested parties to file a Supplemental Brief on the sole issue of the cost allocation for the rebuilding of the entire Coxtan Road crossing. We caution the parties that it is imperative that they apply the existing facts to the relevant factors in supporting any proposed cost allocation.

The Supplemental Briefs must be filed with the Secretary's Bureau, with a copy to the Office of Special Assistants, within thirty (30) days of the issuance of this letter.

Very truly yours,

James J. McNulty
Secretary

cc: Cheryl Walker Davis, Director, Office of Special Assistants

Encl.

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